

# **EXHIBIT 2**

## SUPPLEMENTAL REPORT

Agency: SCSD

OCA 071022036

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Investigator: Freitas, Gary 110548  
Contact:

Date / Time: 11/30/2007 01:40:54  
Reference: FOLLOW UP

Friday

## Supplemental Report

SCSD Case # 071022-036

Maxwell Farms Regional Park Homicide, Sonoma

Detective Gary Freitas #548

Violent Crimes Investigations

## Investigation:

On 10/22/07 at about 1950 Hrs I was notified of a VCI unit call-out regarding a homicide that occurred at the Maxwell Farms Regional Park in Sonoma. I telephoned VCI Sgt. O'Leary who asked that I respond to the park and meet with him and other detectives.

I arrived there at about 2030 Hrs and met with Sgt O'Leary near the Boys and Girls Club building located adjacent to, and just west of the crime scene. Sgt O'leary briefed me concerning what he knew of the incident then walked me to the crime scene where the victim's body was lying. There I met with Detective Vernon who explained to me what he knew of the incident based on preliminary examination of the crime scene and witness accounts of what occurred.

At about 2110 Hrs Detective Engram and I were informed that patrol deputies had detained three individuals who were seen coming out of a wooded area near the park. Sgt. O'Leary asked Engram and I to locate and interview these subjects.

At about 2120 Hrs we located two of the subjects who were being detained in the back seats of separate patrol cars in front of the Boys and Girls Club. I escorted Jesus Garcia into an office inside the Boys and Girls Club and interviewed him concerning his activities in the area of the park prior to the shooting.

The interview with Jesus was recorded on my digital recorder and later transferred to a CD-R disc. The disc was then marked for future identification by reference as item #GF-2 and submitted into evidence.

In essence, Jesus told me the following concerning how he came to the park that night, his knowledge of the shooting death of victim Luis Miranda, and other related information about a subject he knows as "Puppet."

According to Jesus he was at home with his younger sister, Isabella, when she received a call (unknown time) from a friend of hers, Courtney Simmons, who told her that Luis, who is also known as "Soldier" had been shot at the park and was on the ground.

He continued by saying Courtney told Isabella to notify Luis's parents and she in turn told him to tell them. He said he went next door, told Luis's parents about what had occurred and they got into their car and left. He then told me that he told his mother that he wanted to see his friend.

He said his mother drove him to the area of the park, and when they encountered heavy traffic, he got out and started running. He said he saw Luis's parents and was talking to them when he was detained.

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Jesus continued by telling me he knows "Soldier" because they live next door to one another. When asked, Jesus told me he considers them to be close friends, explaining that they spent most of last summer together because Luis was on "house arrest" for violating the terms of his probation.

I then asked Jesus who would want to shoot Luis. He said he knew someone named "Puppet" who Luis has had problems with in the past. He said he has never met Puppet but knows Luis and he have had problems with one another for about a year.

He continued by saying he and Luis last talked about the problems he was having with Puppet either last Wednesday or Thursday. He said they were "hanging" out at the benches by the Boys and Girls Club when Luis told him about an incident that occurred near the Ford Dealership in Sonoma. He said Luis told him that he and another individual named "Nufo" (Arnifo Alvarez) were walking near the Ford Dealership in Sonoma when they were confronted by "Puppet." He went on to say that Luis told him that during this encounter, "Puppet" produced a handgun and fired as they ran away.

Jesus told me he does not know when this incident happened but got the sense that it occurred recently. He further explained that he thought the incident occurred recently because of a discussion that occurred in Ms. Mullin's English class at the Sonoma Valley High School. He said there was a discussion going on concerning gang issues when Ms. Mullin apparently said, "Oh, we're not talking about that stuff." He continued by saying "she got really scared and started talking to us about what happened."

I asked Jesus if Ms. Mullin was saying she heard about the incident, and he responded by saying, "She said she practically saw it."

I then asked Jesus if he knew what happened in the past that made "Puppet" and Luis enemies. He said, "I really don't know. I think it's just gang activity." To that, Jesus told me he does not think "Soldier" (Luis) is a gang member but believes "Puppet" is. My interview with Jesus concluded and he was released.

Early into this investigation it was believed, based on witness accounts, that Juan "Puppet" Carlos Perez Garcia, Juan "Civic" Calderon, and Javier "Gonzo" Ceja were responsible for the shooting death of Luis "Soldier" Miranda, and that they fled from the scene in a gray Pontiac Grand Am that had been rented from G&C Auto Body in Santa Rosa.

Detectives from the SCSD property Crimes Unit went to Juan Garcia's Kimberly Drive residence in American Canyon and found the Pontiac Grand Am parked in the driveway. Refer to their supplemental reports for more information.

While search warrants were being prepared for 117 Kimberly Drive, American Canyon, 165 W. MacArthur Street, Sonoma, and 650 Donald Street, Sonoma, surveillance of the Kimberly Drive address continued. In addition to the search warrants, Ramey arrest warrants were also being sought for the arrest of the three suspects.

I and other detectives, along with members of the SCSD SWAT team, the Napa County Sheriff's Department, and American Canyon Police Department met in American Canyon and began to prepare for the eventual service of a

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search warrant at Juan "Puppet" Garcia's residence on Kimberly Drive, and the Ramey warrant for his arrest.

At approximately 0300 Hrs the above mentioned search warrant and related Ramey arrest warrant was served at 117 Kimberly Drive by members of the SCSD SWAT team. During the service of this search warrant, Santos Perez, Puppet's mother, Oscar Perez, his younger brother, Argelia Chavez, his girlfriend, and Juan "Puppet" Perez Garcia were detained. Juan Perez Garcia was later transported to the SCSD Detective Bureau. Refer to Detective Dulworth's supplemental report.

During the subsequent search of the residence, Detective Pedersen was responsible for collecting items of evidence. Refer to his supplemental report for further information.

While the search of the residence was being conducted, I interviewed Oscar Perez, his mother Santos Perez, and Argelia Chavez.

My interview with Oscar Perez began at about 0400 Hrs. Our conversation was recorded on a digital recording device and later transferred to CD-R disc. It was then marked for future identification by reference as item # GF-4 and submitted into evidence.

As previously stated, Oscar Perez is the younger brother of suspect Juan Carlos Perez Garcia. I identified myself to Oscar and told him we were conducting an investigation concerning an incident that his brother may or may not be involved in. In essence Oscar provided me with the following information concerning his brother's activities the previous day.

According to Oscar, he lives in the house with his mother, and Juan visits about three times a week, sleeping in the living room or in the garage.

Concerning the 22nd of October, Oscar told me he arrived home at about 3:00 pm and Juan arrived at the house at 5:00 pm. I asked Oscar if Juan stayed at the house after arriving there, to which he replied, "The whole time."

After hearing this I asked Oscar if he would lie for his brother. He told me "No." I then stated to Oscar, "So you got home at three o'clock, he got here at five o'clock and he was here" and he stated, "Well, like for the rest of the time. He went to go eat at Mc Donald's for like a little bit but they came back." I asked him at what time did they return and he said "like seven, like seven-thirty, saying Juan was gone for about fifteen minutes.

I then asked Oscar what they had been doing while at the house. He told me he was in his room doing home work for awhile then watching TV in the living room "with them."

I asked him who the girl was that was sitting in the living room and he told me he thought she was his brother's girlfriend. I asked him how long she had been at the house and he told me he did not know and that he only saw her last night. He further stated he met her two days ago.

I then asked a clarifying question in an attempt to establish when the girl arrived at the house. Oscar told me "She was gone and then she came back like then, like when they went to Mc Donald's."

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When asked about how Juan got to the house, Oscar said he thought from a friend, but then said he did not know.

When asked, Oscar told me Juan did not mention anything to him about something happening in Sonoma. And finally I said to Oscar, "So if I were to tell you that other people saw him (Juan) in Sonoma after five o'clock" He responded by telling me they probably saw the wrong person, that he knows he was here (Kimberly Drive), and that he would not lie for his brother.

Next I interviewed Oscar's mother, Santos Perez. The interview was digitally recorded and later transferred to CD-R disc, marked for future identification by reference as item #GF-6, and submitted into evidence.

Because Mrs. Perez spoke little English, I had Detective Engram assist with the interview by translating from English to Spanish and from Spanish to English. In essence she told me that she was at home in her living room watching TV at about 9:00 pm last night when her son, Juan arrived at the house.

Argelia Chavez was then interviewed. I recorded our conversation and later transferred it to CD-R disc, marked it for future identification by reference as item #GF-5, and submitted it into evidence.

In essence Argelia provided me with the following information concerning her relationship with Juan "Puppet" Garcia and their activities on 10/22/07. She said they have been dating for about one month and that she sees him "once in a while."

I asked her what time she arrived at the Kimberly drive residence and she told me, "I don't know. Well I was spending the day with him. Well, not the day, but like around six, yeah it was six, five, six." She then clarified by saying, "Like around five or six hours with him." "Okay, well I spent like half of the day with him yesterday."

When I asked her what time and where she met him, she replied by telling me she met him at around five or six and that she came to his house. She then told me he came to her house in Vallejo and picked her up.

When questioned further, Argelia related that when Puppet came to her house on Illinois Street in Vallejo, he was a passenger in a small, 4-door, white car that was driven by one of his friends. She said they left her house and drove to the Black Bear restaurant where Puppet visited with his "baby's mama."

Earlier we developed information concerning Puppet's pregnant girlfriend. She was identified as Amber Malkassian who works at the Black Bear Restaurant in Sonoma. We also learned that the Grand Am sedan parked in the driveway of 117 Kimberly Drive was given to her as a loaner vehicle from G&C Auto Body in Santa Rosa while her car was being repaired.

Argelia continued by telling me Puppet stayed at the Black Bear Restaurant for about thirty minutes and they left and drove to Marin where she and Puppet were dropped off at a shopping mall where they "were just chillin" until about eight o'clock.

I asked Argelia how she and Puppet got back to Kimberly Drive. She said Puppet called the brother of the friend who dropped them off in Marin, and he came and picked them up and gave them a ride back to the house. She said they arrived there at about ten thirty.

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Argelia also told me that during the time frame after Puppet called for a ride, he began receiving telephone calls from a friend who told him people were saying that "he did a crime." I asked her if "People were saying he (Juan) killed somebody." She said "Yeah." She also said that Juan's reply to this person was that he was in Marin County with his "girl."

After asking Argelia if she had any reason to lie to me because I was getting two different stories concerning Puppet's activities the previous night, she told me "No, but I'm not lying." I told her that someone was lying to me and she responded by telling me "I'm not lying." The interview ended and Argelia was released.

On 10/23/07 at about 0600 Hrs I arrived at Javier Ceja's residence located at 165 W. MacArthur Street, Sonoma. Detectives arrived there earlier and executed a search warrant at the house and served the Ramey arrest warrant on Ceja. Refer to their supplemental report for further information.

One of the people detained inside the residence when detectives arrived was Judith Ortega, Javier's sister. The following is an account of the interview I conducted with her.

This interview was digitally recorded and later transferred to CD-R disc. It was then marked for future identification by reference as item # GF-3, and submitted into evidence.

In essence Judith told me the following concerning her knowledge of the shooting at Maxwell Park and of the activities of her brother that night.

I identified myself to Judith and explained our presence at her house. She told me her brother's name is Javier Ceja and that his nickname is "Gonzo." She said Javier lives at the house but does not work.

I then asked her if she had been home "all day today," meaning yesterday the 22nd, and she told me she was working at Jack in the Box from 1 pm until 10 pm that night. She continued by telling me that after she got off work she walked home and stopped at Long's Drug Store, arriving home at about 10:40 pm.

I asked Judith if Javier was home when she arrived there at 10:40 pm. She said "No, I talked to him when I was at work cause I heard about that (Shooting) and I called him right away to see if he was involved and I have the call on my cell phone."

She said she called Javier between 7:30 pm and 8:00 pm to ask him if he was involved and he told her he didn't know anything, that he wasn't over there, and that he was at home.

I also asked Judith why she would ask Javier if he was involved in the shooting. She responded by saying, "Because I know his friends, his friends are like enemies with the people that got shot."

Judith told me she does not know many of Javier's friends, does not recognize "Puppet" as being someone who he associates with, and said she believes at one time he was a Sureno gang member.

After interviewing Judith I was directed to go to the SCSD Main Office Detective Bureau to assist Detective



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Dulworth with interviews of the suspects. Juan "Puppet" Garcia was there now and Javier Ceja was enroute.

I arrived at the Detective Bureau and was preparing to interview Ceja when I was informed that Juan Calderon had been arrested and was being transported here now. It was requested that I interview him first.

At 0826 Hrs I entered the interview room and began talking to Mr. Calderon. After introducing myself to him I told him I was investigating the homicide that occurred in Maxwell Park last evening. I explained to him that an extensive investigation is on going and wanted to speak to him about the incident. I went on to explain to him that before I questioned him about that incident I wanted him to understand his rights. I then read those Miranda Rights to him from an issued pre-printed card. I told him "You have the right to remain silent." He said, "Yeah." I said to him, "Anything you say can and will be used against you in a court of law, do you understand?" He replied "Yeah." I told him "You have the right to talk to a lawyer and have him present with you while you are being questioned, do you understand?" He replied, "Yes." I then told him, "If you cannot afford to hire a lawyer, one will be appointed free of charge to represent you before and during any questioning, if you so desire, do you understand?" He replied "Yes."

I told him that having those rights in mind do you want to talk to me to which he replied, "Yeah."

After advising Mr. Calderon of his rights and confirming that he understood them I handed him a lined statement form that had written upon it the following question, "Please describe, in detail, everything you know about the shooting that occurred near the Boys & Girls Club at Maxwell Park in Sonoma." I read the question to him and asked that he write a response.

Mr. Calderon wrote that he received a call from his girlfriend telling him that her friend had been shot and killed. He continued by writing that later he received calls from "people" who told him that his girlfriend's friend, Luis, got shot in the park. He said the person he talked to then told him one of his friends, (Calderon's) was a suspect in the shooting.

I then provided to him another lined statement form that asked the question, "Please describe, in detail, everything you did on 10/22/07 covering from the time you woke up in the morning until you were arrested."

In essence, Mr. Calderon provided the following information concerning his activities in that time period. He wrote that he woke up that morning at 10:30 am and watched TV and was on the computer until 12:00 pm.

He said he stayed home and talked to his brother and sister, who did not go to school that day, until 3:00 pm or 3:30 pm. He said he then called his friend who picked him up. During that time another friend from Santa Rosa called and said he was going to come by his house and pick him up at 5:00 pm. He and the other friend he was with went to Mc Donald's at 4:20 pm to eat.

He went on to write that he and his friend went to the "park," and while there, he received a call from the friend from Santa Rosa telling him he was in town.

Mr. Calderon said that while they were in the park they saw some "kids" that he did not get along with. He went on to say that the kids did not see he and his friend because they were eating in the car. He said they left the park and

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his friend from Santa Rosa picked him up on "El Verano" at about 4:40 and they drove to Santa Rosa. In addition to his friend, Calderon indicated there were other people in the car that he did not know.

He said they arrived in Santa Rosa and went to an apartment on Stony Point Road. While there his friend asked if he was going to stay. He wrote that he told his friend that he couldn't because he had court the next day. According to Calderon, his friend asked if he wanted a ride back and he said yes.

The friend then apparently told him that his friend that "had" the car was going to go to another one of his (Calderon's) friend's houses in Vallejo and they would drop him off on the way.

Calderon wrote that they left Santa Rosa and traveled the back streets to Rohnert Park, and at 6:40 pm when they were on Adobe Road, he received a call from his girlfriend telling him one of her friends got shot. He continues by saying she asked him if he knew, and according to him, he tells her "No," that he was not in town.

According to Calderon he told his friend not to go through town because "something happened," and they dropped him off around 7:05 or 7:10 pm at a gas station near the Viansa Winery. He continues by writing that his girlfriend was crying when she picked him up and they drove home, arriving there around 7:30 or 7:35 pm.

Calderon then writes that he received calls from some of his friends telling him that another one of his "friends" was a suspect in the shooting. He continues by saying he fell asleep around 10:30 pm, but woke up at 2:00 am and called his girlfriend who told him she was at her house and was going to stay there. He said he went back to sleep and was awakened in the morning by his mother who told him the police were outside.

Both of the aforementioned written statements were marked for future identification by reference as item #GF-7 and submitted into evidence.

During the next phase of questioning I asked, among other questions, whether or not Calderon would be willing to take a polygraph examination to test the truthfulness of his assertion that he had no involvement in the shooting that occurred at Maxwell Park. He said he would be willing to take the test.

Unbeknownst to Mr. Calderon, I had earlier arranged for Polygraph Examiner, Detective Bill Lawrence of the Rohnert Park Department of Public Safety, to come to the Sheriff's Department in the event any of the three suspects agreed to take a polygraph test.

I introduced Mr. Calderon to Detective Lawrence who began his pre-test interview. After explaining the procedure to Juan, Detective Lawrence asked if he was still willing to take the test. At this time Calderon declined to take the test.

I went back into the interview room and began explaining to Calderon the complexity and scope of the investigation to this point and he asked when he would be able to speak to an attorney. I confirmed that he wanted to speak with an attorney and after doing so, ceased all questioning, gave him a business card, and left the room.

Later that afternoon Detective Vivian and I returned to the crime scene at the park to assist Detective Vernon. While at the scene Vernon was informed by Sgt O'Leary that one of the suspects was cooperating and had given



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directions to where the murder weapon had been hidden. He then directed us to Riverside Drive, south of Verano Avenue.

When Detective Vernon and I arrived on Riverside Drive at about 1715 Hrs we received further directions from Sgt. O'Leary that the shotgun used in the murder was hidden in some bushes in front of the fourth house down on the west side of the street. He described the house as being ramshackle. We located the house and saw that its physical address was 19014 Riverside Drive.

Detective Vivian arrived a short time later and was directed to go to the Valley Sub-Station to begin preparing a search warrant for the premises while Detective Vernon and I, along with CSI Detective Quartarolo secured the premises. Also present were several members of the SCSD Search and Rescue (SAR) team that had been conducting a search of the wooded area around Maxwell Park looking for the murder weapon.

In a subsequent conversation I had with Sgt. O'Leary, he informed me that Juan Calderon told him the whereabouts of the shotgun during a public safety statement. He also told me that Calderon gave him the impression that he wanted to tell his version of the events surrounding the shooting, and may attempt to call me.

I knocked on the front door and got no response, then talked to a neighbor in an attempt to locate the homeowner. The neighbor told me a man by the name of Frank lives there by himself.

At about 1810 Hrs a subject arrived at the house driving a Volvo sedan (CA Lic. #3KRE059). He was identified as Frank Gyorfi and said he lives at the residence by himself.

I explained to Mr. Gyorfi that we believed the weapon used in the shooting at Maxwell Park was hidden somewhere in his front yard and that we were in the process of obtaining a warrant to search for it. Mr. Gyorfi, who was very cooperative, said he understood.

At about 1820 Hrs we were notified that the search warrant for the premises had been signed. Prior to that, arrangements had been made for members of the Sonoma Valley Fire Department to assist us by cutting down brush in the front yard of the property.

At about 1840 Hrs firemen began cutting back the brush in the front of the property looking for the gun. While they were doing that Detective Vernon and I found a black hooded sweat shirt inside a plastic garbage can that was situated next to the north east corner of the house. The sweat shirt appeared to be out of place and I believed that it may have been worn by the suspect before, during, and after the murder was committed.

At 1910 Hrs members of the SAR team were searching a hedge along a fence line on the north side of the driveway adjacent to the north east corner of the house when they found the shotgun. It was found approximately three feet from the garbage can that contained the hooded sweat shirt.

CSI Detective Quartarolo took overall photographs of the premises which included the two items of evidence (hooded sweat shirt & shotgun) he later seized and submitted into evidence.

For further information related to how directions to the shotgun were obtained and our activities at 19014 Riverside

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Drive refer to Sgt. O'Leary and Detective Quartarolo's supplemental reports.

On 10/24/07 at about 0900 hrs VCI detectives were meeting to discuss this investigation. During this meeting Sgt. O'leary told me he conferred with the District Attorney's Office concerning his belief that Calderon wanted to speak to me so he could tell his version of the events surrounding the shooting death of Luis Miranda at Maxwell Park. Sgt. O'Leary told me he was told it would be appropriate to re-contact Calderon at the Juvenile Detention Facility and attempt to re-interview him.

At about 1100 Hrs Detective Dulworth and I met with Mr. Calderon in a private room inside the facility and interviewed him concerning his involvement in the shooting death of Luis Miranda. The interview was digitally recorded, later transferred to a CD-R disc, marked for future identification by reference as item #GF-1, and submitted into evidence.

Before talking to Calderon I told him that it had been 24-hours since we last spoke and that it was my understanding he had expressed an interest to speak to me. I asked him if that was true to which he replied, "Yeah I want to talk to you about what really happened." I told him that before he does that I wanted to make sure that he again understood his rights, telling him that I was going to read them to him again to make sure I was clear that he understood them.

I then read to him his rights from a pre-printed Rights Waiver card. I told Calderon that, "You have the right to remain silent, do you understand that?" He replied, "Yeah." I said, "Okay, thank you, do you understand that anything you say can and will be used against you in a court of law?" "Do you understand that?" He replied, "Yeah." I then said you have the right to talk to a lawyer and have him present with you while you're being questioned, do you understand that?" He replied in the affirmative by saying, "Mm-hmm."

I then told him, "If you can not afford to hire a lawyer, one will be appointed free of charge to represent you before and during any questioning if you so desire, do you understand that?" He replied in the affirmative by shaking his head up and down and saying, "Mm-hmm." To that I said, "So you understand those rights that I've read to you?" He replied, "Yeah."

I then asked Juan if he still wanted to talk to me and he said, "Yeah."

In essence Juan told Detective Dulworth and I the following concerning his activities that day from the time he was picked up at his house by Puppet until he arrived back there later that night after the shooting..

According to Juan he was at his home between 12:00 PM and 1:00 PM when he placed a telephone call to Puppet. During their conversation Puppet asked him what he was doing and told him he would come over and pick him up.

According to Juan, Puppet arrived at his house and when they left, they got into the purplish Grand Am sedan he arrived in earlier.

When asked, Juan told me that Puppet got into the driver's seat of the Grand Am, he got into the right rear seat, and that there was a woman in the front passenger seat. Juan said the woman, who he later identified as "Argelia," was Puppet's companion who has been staying with him since running away from her home in Vallejo.

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According to Juan, the trio's first stop after leaving his house was at "Folito's," a small market on Hwy 12 in front of Flowery School in Boyes Springs. He said he and Puppet went inside and Puppet bought a 12-pack of Corona beer and a carton of eggs.

It was later confirmed through an examination of sales receipts at the store (El Binkito Market, 17380 Hwy 12, Boyes Springs) that the purchase they made occurred at approximately 1214 Hrs on 10/22/07.

Juan continued by saying they drove around for awhile and next stopped at "Noel's" house on Fifth Street West in Sonoma to smoke "crystal." He described "Noel" as being a friend of Puppet and described his house for me, saying there were two Thunderbird sedans (green and red) parked there.

Juan told us that they stayed at Noel's house for about an hour to an hour and a half, and while they were there, they all (except for Noel) went into a bedroom and smoked crystal methamphetamine that had been provided by Noel.

After leaving Noel's house they drove to "Javier's" (Javier Ceja, 165 West McArthur Drive, Sonoma) house, arriving there at 2:30 or 3:00 PM. While they were there, Juan said Puppet took a Glad Bag full of marijuana from Javier because Javier owed Puppet forty or fifty dollars.

After leaving Javier's house, Juan said they drove around, smoked some marijuana, and went to a landscape supply store on Broadway Street in Sonoma where Puppet sold an ounce of marijuana to an employee there for \$100.00.

After leaving the landscape supply store, Juan said they continued to drive around and while they were talking, Puppet asked Javier if he had anymore "weed." According to Juan, Javier jokingly said he could get "a couple of pounds" and Puppet began calling his friends to see if he could sell them some.

He said they eventually parked at the "Issa's Restaurant," (located at 18999 Sonoma Hwy, Sonoma). Before leaving the parking lot at Issa's, Juan said Puppet asked him to drive, which he did. He said they drove around and smoked weed, saying it was around 4:00 or 4:30 PM.

Juan said they continued to drive around and eventually went to "my friend's house to weigh some weed." He said the friend lives in an apartment complex on Macarthur Street across from Javier's house. When I asked Juan to tell me this friend's name, he hesitated, but eventually told me, "I don't know his name that well."

When they arrived there, Juan told me he and Javier went inside the apartment, used the scale there, and returned to the car.

After leaving the apartment complex, Juan said they drove around and "they" (Puppet and Javier) were placing telephone calls trying to find someone to buy marijuana.

Juan said they returned to Noel's house around "Four-something" to get Puppet's cell phone charger that he left in Noel's car. They left Noel's house and drove around and decided they were hungry.

Juan continued by telling us they decided to go through the drive-thru at the McDonald's restaurant near Maxwell Park. After they got their food order ("It was like 5:00 PM") they were at the exit and trying to decide where they

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were going to go to eat. Juan said he was going to turn left, but Puppet said, "Nah, go straight see if we see Busters or something." When I asked Juan, "Some what," he said, "Busters, Nortenos."

Juan said he saw some cars belonging to "Busters" in the parking lot at Maxwell Park, drove in the entrance on Verano Avenue, and parked in the first parking spots on the right.

Juan continued by saying that as they sat in the car and ate their food they heard a car passing by them. He said he saw a couple of guys in the car with "red bands," which I interpreted to be head bands worn by Norteno gang members. Juan said they passed by and drove down towards the circle (Turn-a-round in front of the Boys and Girls Club).

Concerning the occupants in the car that passed by them, Juan said, "And they got off there and they start walking down and they passing me at the part in the, in the, the guy in the car we're standing there and then we're there and he's like, ah, well lets get in the car or something so we get in the car and I'm backing up, and I'm backing up to go out to the, towards the exit."

Juan said they got in the car (he was driving), backed out of the parking spot, and slowly drove towards the circle by the Boy's and Girl's Club.

According to Juan, as they went around the circle "they" (about ten individuals from the group that had gathered around park benches at the bottom of the access road off the circle) starting running up the roadway yelling "Sha-roooo." He said, "They did the, uh, call the Norteno's go Sha-rooo."

I asked Juan if anyone in the car said or did anything in response to the subjects running towards them yelling "Sha-roooo. He said they did nothing.

As Calderon, Chavez, Ceja and Perez drove away from the park, Juan said Perez (Puppet) said "Fuck it," "Fuck that shit," "The're trying to be real busters." In addition, Puppet said, "let's go pick up the shotgun, let's go get it." Juan said Puppet told him the shotgun was at Noel's house.

I asked Juan if it was his understanding the shotgun belonged to Puppet. He said, "It's Puppet's, I've seen it at Puppet's house and he had it and it was his, it was at his house."

Later in the interview Juan told me Puppet has had the shotgun for a month or two and that he told him he got it from a friend in Sonoma.

Juan said they left the park and began driving to Noel's house. According to Juan, while they were driving there Puppet calls Noel and says, "Hey it's me, we need the gun cause we're going "He says we're going to go do a deal, a drug deal or something like that."

He said they arrived at Noel's house at 5:00 PM and he backed into the driveway. After parking Puppet told him to get out and switch sides with him.

Puppet got out of the passenger side and Juan said he got out of the driver's side. He said as he walked around the

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front of the car on his way to the right front passenger seat he saw Puppet and Noel standing by the open trunk of the green Thunderbird that was parked nearby.

Juan said he sat down in the front passenger seat of the Grand Am and a minute or so later Puppet gets in the driver's seat and they drive away.

I asked Juan where the gun was at this time. He told me, "In the trunk." After further questioning to clarify this, Juan said that when Puppet got out of the car he opened the trunk with the key, got the shotgun, returned, and put the gun in the trunk.

Juan said after they left Noel's house they drove around and Puppet was explaining "How we were going to do this and how we were going to do it."

I then asked Juan to tell me what Puppet said about how they were going to "Do it." Juan said, "I was like, I go, yeah sure, what ever. He told me if I do it," and I asked, "Do what." He responded by saying, "Do the, the shooting and I said, yeah sure."

I then asked Juan if there was anyone in particular he was going to target. He replied, "Uh no it wasn't me that did the shooting.

I said I realize that, and asked him to again tell me about what Puppet told him about how he was going to commit the shooting.

Juan told me Puppet described to him how to shoot the shotgun and said, They saw that I was nervous so he's like, well if you're not going to do it then I'll do it, but you're gonna run with the gun cause that's what he always makes me do." He continued by telling me that Puppet saw that he was nervous and finally said he would do the shooting.

Juan said that when they got in the area Puppet directed him to park at Paul's Field (located on Verano Avenue across the street from Maxwell Park). He said Puppet had him turn around and back down a dirt roadway by the creek.

It should be noted that Juan told me earlier in the interview Puppet was driving the car when they left Noel's house with the shotgun.

After parking, Juan said he and Puppet and Javier got out of the car. He said he and Puppet went to the trunk while Javier got into the driver's seat.

Juan said Puppet retrieved the shotgun from the trunk and loaded it. He said he gave Puppet his black hooded sweater and that Puppet had the black glove.

Juan then stated that he and Puppet began to walk to Maxwell Park. He said as they walked Puppet explained to him what he wanted him to do.

He said, "We're walking and on the way over there he was telling me your going to wait for me and I'll come back



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and I'll give you the gun and he's going to get in the car and I was gonna go hiding and they're going to pick me up so that's going to happen. So he on the way we, we enter, across the street we enter the back way."

Juan described to me that after leaving the car they crossed over onto the south side of Verano Avenue, and headed down the roadway towards the bridge that crosses over the creek. When they got to the east side of the bridge they stepped left off the street and onto a trail that leads into Maxwell Park.

Once on the trail they walked in the direction of the Boy's and Girls Club. Juan said as they were walking, Puppet told him to wait there for him. According to Juan, about two minutes later he heard "shots." He said he began to run because "He didn't know what was happening." He said he saw Puppet running towards him taking off the hooded sweater he gave him earlier.

When Puppet reached him he removed the sweater he had been wearing and handed it and the gun to him. Juan said he began to run behind Puppet but was slowed down because he was, at the same time, trying to put the sweater on and not touch the gun with his hands. He said Puppet gave him the glove he had been wearing and continued to run, explaining that is when he may have touched the gun that would have caused gun powder to be on his hand.

Juan continued by saying Puppet ran out of his sight. "I was trying to run and didn't see where he got picked up." "He ran through the trail to the other trail and got picked up or he got picked up on the road on El Verano."

Juan said he made his way back to the roadway and was passed by a police officer. He said he continued to walk, ran a little bit, and finally hid behind some cars because of the police activity.

He continued by saying he went down the driveway of a residence and hid the shotgun under a bush. He said he placed the sweater and glove he had been wearing in a barrel near the bush where he hid the shotgun. He then heard police cars passing and sat on the front porch of the house and began calling Puppet and Javier on their cell phones so they could pick him up. He said the time was about 6:00 PM.

He said he talked to them and asked where they were. He said they told him, "Yeah we'll be there, we'll be there," but according to him it sounded as though they were not going to pick him up.

Juan then told me that while he was talking to them on the phone a man came out of the house, said something to him, and he walked away.

Juan said as he walked away from the house he saw Puppet's car turn left from Verano Avenue onto Riverside Drive. He called them again and asked where they were. He said Puppet told him, "Don't trip, act, just act normal, just act normal." Juan said alright and Puppet told him he would pick him up in the parking lot at the El Verano School.

Juan said he ran to the school but did not see Puppet's car. He called him and was told they were, "Over here through the cuts," (back streets). Juan said he then told Puppet to meet him on Lucas Street. Puppet agreed and Juan said he ran in that direction but got onto Comstock Street instead.

He said he again called Puppet and asked where they were, telling him he got onto the wrong street and that he did



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not see them. He said he then told Puppet to meet him at "Martha's" house on Comstock. Later he described Martha as being a friend of Javier's

Juan told me he arrived near Martha's house and called Puppet again asking him where they were. Puppet told him he was at the stop sign and was flashing his lights. Juan said he finally saw Puppet's car down the street and watched as Javier got out. Moments later he got into the back right passenger seat and they drove away. He said Puppet was driving and Argelia was still a passenger in the front seat of the car.

According to Juan they drove down a street to Arnold Drive and headed south towards Schellville. He said as they drove he asked Puppet what he did with the "vest" (Shotshell bandoleer) that had been in the trunk. Puppet apparently told him not to worry about that because he got rid of it.

He said while they were driving on Arnold Drive he received a call from his girlfriend (Teresa Chavez) saying, "Oh, say I know what you do, what you do?" He said he asked her what she was talking about and she responded by saying, "Soldier, the guy who got shot. Soldier got shot and he's dead."

Juan said while he was still on the phone with his girlfriend Puppet was telling him they needed to split up. While Puppet was telling him this he was telling his girlfriend that he was coming back from Santa Rosa.

After talking to his girlfriend it was decided that they would drop Juan off at the 76 gas station in Schellville where he would call his girlfriend to come and pick him up. He said Puppet stopped the car alongside the roadway near the gas station at about 7:00 PM, gave him a sweater to wear, and drove off telling him he was going to go to his house.

Juan said he called his girlfriend and she came to the deli across the street from the gas station at about 7:30 PM and picked him up. After she picked him up, Juan said they drove to his house.

Juan continued by telling me that while they were at his house he received calls from some of his friends who were looking for Puppet, saying he was a suspect in the shooting.

He said he called Puppet and "He was making fun about it," saying, "I'll shoot the people, I'm the number one suspect." He said he called Puppet a couple more times and Puppet told him he was going to go to the police station and "Tell them it's not me."

I asked Juan if he told his girlfriend what had happened. He said he did not. I then asked him why she thought he had something to do with the shooting. He said Soldier was her friend and she had been receiving telephone calls from her friends telling her that he was involved.

I then had Juan describe for me what Puppet, Argelia, Javier and he were wearing that night. He told me Argelia was wearing a black sweater and pants. He said Puppet was wearing a big blue sweater, but he was not sure if he was wearing pants or shorts. As for Javier, Juan said he did not know what he was wearing.

Juan then told me he was wearing the jean type shorts he was wearing when he was arrested, a blue shirt, white T-shirt, white socks, white, size 10 Adidas shoes, and a black leather belt.

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Later, Juan said he cleaned the shoes he was wearing with a towel when he got home because they were dirty.

I then had Juan describe for me in detail the route he and Puppet took once they set out on foot from where the car was parked at Paul's Resort. After he did that I asked him how many shots he heard while waiting for Puppet. He said he thought he heard two shots. He then told me that he saw Puppet load three (shot shells) into the gun while they were at the trunk of the car, taking them from the "vest" that was in the trunk.

I then had Juan tell me more about conversations Puppet had with him in the car after they picked up the shotgun from the trunk of Noel's green Thunderbird. He said Puppet just told him that it was going to happen.

I then asked Juan if Puppet knew any of the people who were at the park when they drove by before the shooting. He said Puppet knew a couple of the guys who were there. When asked, Juan said he knew Soldier and a couple of the guys who were there.

I then asked Juan how he knew Soldier. He said he went to school with him. I asked Juan if Soldier was a "Norteno" and if Puppet was a "Sureno." He said yes to both questions.

I then asked Juan if he ever had any fights or arguments with soldier. He replied by telling me that years ago they were going to fight in school but didn't because he (Soldier) was going out with his girlfriends best friend so they had to "get along."

When I asked Juan if he and Soldier did not get along because of a "Blue/Red thing," he said "Yeah, cause, cause a couple years ago I didn't banged but I was kind of like, I was getting into it." I told him that my interpretation of that would be that he is a Sureno. He simply said, "With Puppet."

Juan told me that Puppet is an older guy who schools the young guys that are just coming into the gang, saying that he has said they were his (Puppet's) soldiers. He said he met Puppet back in March when he asked him to smoke marijuana with him. He said he did not start "banging" until a month after that incident when he asked if he could "rep" for the gang.

In addition, Juan said they are affiliated with "VSL." He also said that he thinks Puppet's ranking within the gang is "Kinda at the top."

I then had Juan tell me about his knowledge of the relationship between Puppet and Soldier. According to Juan, he has never been with Puppet when he (Puppet) and Soldier have had words. In addition, Juan told me that Puppet has never talked to him about Soldier.

However, Juan then told me of an incident that occurred recently where Puppet pointed a gun at Soldier while they were at a bonfire event at the high school. He said he pointed the gun at Soldier and another "fool," (he later identified him as Arnufio) and told them he had a bullet for each of them.

I also asked Juan about an incident that allegedly occurred recently in front of the Ford Dealership in Sonoma involving Puppet. He said Puppet confronted "Arnufio" and "Marcos" and fired a gun into the air to scare them.

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During this portion of the interview it became clear that from what Juan was telling Detective Dulworth and me, Puppet had influence over the younger gang members he associated himself with.

I then explained to Juan that all the witness descriptions of the suspect who stepped from the bushes and fired the gun were consistent with one another. I then told him that the description of the suspect these witnesses gave matches him. Juan's voice lowered and he said, "Yeah."

I told Juan that I did not think he was a cold blooded killer. That he was trying to make himself look good to Puppet. That he did not go down there with the intent to hurt anybody, but to scare them. I said Puppet has a lot of power and persuasion over the young guys like himself, and that he sent him down there to do it (the shooting) and that he did not mean to hurt anyone. I then asked Juan if that was right. He said, "right."

I told Juan to tell me what happened. He said they told him to do it (shooting) and he did not want to. He said he got half way down there and wanted to stop.

He then went on to describe how he pulled his T-shirt up over his face and stepped out with the gun at his hip and pointed it at the crowd. He said he did not say anything to the people before firing the gun. He then told me he wasn't even trying to hit anyone, and that he was just trying to scare them.

He said after shooting the gun he ran back the way he came but did not see the car.

I then asked Juan if everything else he told me during the interview was true. He said it was.

When asked Juan told me that after they left the park when they were yelled at by the subjects who were running up the road towards them, Puppet asked if he was going to, "Do it, and I said yes at first."

I then asked Juan to tell me where Puppet showed him how to shoot the shotgun. He said it was when they were at Paul's Field.

Detective Dulworth then asked Juan if at any time did Puppet or anyone else say, "Go shoot this person," or "Go do this person in a crowd?" He answered by saying, "He (Puppet) told me make sure to hit one of them." He said Puppet told him this, "A couple of times" after loading the shotgun for him, showing him how to manipulate and fire it, and handing it to him while they stood at the trunk of the car.

Detective Dulworth asked Juan what he thought he meant by that when he said, "hit one of them?" Juan said, "Shoot one of them, but I didn't try to shoot anyone up."

Detective Dulworth then asked if he thought Puppet was referring to one of the Norteno's, to which he said, "Yeah."

Juan again reiterated that he was not trying to hit anyone and that he was trying to shoot into the air to scare them.

I asked Juan if Puppet told him to kill Soldier and he said, "No."

In listening to the recorded interview and reading the transcription of that interview, it became clear that the sound

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quality during some portions were poor, and it was difficult to understand what Juan Calderon was saying when answering certain questions. For that reason the Olympus DM-20 digital recording device used to record the interview, and the original recording of that interview was sent to the Audio Forensic Center in San Francisco on 11/29/07 to be enhanced.

On 10/26/07 at 1450 Hrs I met with Teresa Chavez, the girlfriend of Juan Calderon, at the Sonoma Valley Sheriff's Sub-Station in Sonoma to interview her concerning this investigation. A supplemental report concerning that interview will be prepared at a later date.

Nothing further at this time.